

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

FILED
OCT 13 2005
GRANT PRICE
CLERK, U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA
BY: _____ DEPUTY

**GENERAL ORDER CONCERNING AUTOMATIC STAY
ISSUES UNDER 11 U.S.C. §362(c)(3) AND (4) IN CHAPTER 13 CASES**

The provisions contained in this Order shall be applicable to all Chapter 13 cases filed on or after October 17, 2005.

Upon application by a party in interest, accompanied by an affidavit setting forth the facts under which the applicant believes there is no stay in effect, the Court will enter an order declaring there is no stay in effect, unless the Court finds such application without merit. If the application is filed by a secured creditor, the affidavit shall additionally state whether the applicant believes its collateral is insured and the basis for its belief as to insurance coverage. Additionally, where the applicant is a secured creditor, the application should be accompanied by proof that the security interest of the applicant has been properly perfected. Such an application should not be filed if there is a previously filed motion to extend or impose the stay upon which the Court has not ruled. Any order declaring the stay is not in effect must be promptly served by the applicant on debtor(s), their counsel, the Trustee, and all other interested parties. Any order declaring the automatic stay is not in effect must specifically provide that no action based on the order may be taken for 10 days from the date the order is entered, except that collateral the applicant believes is uninsured may be repossessed. This 10 day period will allow debtor(s) an opportunity to dispute the facts set forth in the application and to ask the Court to reconsider the entry of the order. This period will also allow the Trustee and other interested parties to request reconsideration for cause. No filing fee should be required for a declaratory type stay order.

Any party in interest may file a motion to extend, or where applicable, impose the automatic stay as to any and all creditors, except those that have previously repossessed collateral or taken other

action based upon a prior order declaring the automatic stay not in effect. The motion to extend or impose must be filed and the hearing must be held within the applicable time periods set forth in §§362(c)(3)(B) and 362(c)(4)(B). Any order extending or imposing the stay must be promptly served by the movant on the Trustee and all other interested parties.

Dated this 13 day of October, 2005.



JUDGE NILES JACKSON
UNITED STATES BANKRUPTCY JUDGE